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March 10, 1992

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Federal Communications Commission
Office of the Secretary

The Honorable Alfred C. Sikes
Chairman
Federal Communications Commission
1919 M Street, N.W. - Room 814
Washington, D.C. 20554

Dear Chairman Sikes:

On June 6, 1991, the undersigned wrote you requesting that the Commission take certain steps with respect to ATV allotment/assignment issues. Specifically, we asked that the Commission issue a notice of proposed rule making setting forth key allotment/assignment principles and asking for comment on other critical issues in this area. The Commission took this very constructive step on November 8, 1991, and we, as part of a group of 96 broadcast organizations, responded in Joint Comments submitted on December 20. On February 5, 1992, members of the Commission's staff hosted a useful meeting in which they asked us to specify with more particularity how certain allotment/assignment issues should be resolved. This letter attempts to respond to that request.

I.

As an initial matter, there are three important principles that should be observed in developing the table of allotments/assignments.

First, the allotment/assignment decisions should be importantly affected by the results of the ATV testing process. Any table that is issued now, before any test results are available, will differ substantially from the table that best fits the ATV system eventually selected by the Commission. It may be true that the ATV channels to be allotted to New York City, Chicago or Los Angeles, where spectrum constraints are most stringent, will not vary depending upon the outcome of the tests, but their coverage areas could be quite different, and in other cities such as Miami, Knoxville, Richmond, Peoria, Sacramento, etc., important variations in the optimal table could well emerge as a result of the testing process. Furthermore, if the Commission contemplates negotiations among licensees after issuance of the proposed table, those negotiations will not be able to proceed effectively without knowledge of ATV channel coverage areas that the test results will provide. Although the results of testing the first few ATV systems will not provide as precise a guideline for development of the table of allotments/assignments as would the full set of tests, the extent of subsequent changes would be greatly reduced.

Second, we think it would be a mistake to proceed on a course whereby the Commission's computer program would select the first set of ATV channels (up to the number of those eligible for

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ATV licenses in the market) that met the assumed minimum ATV mileage separations. Such a procedure would not in all instances choose those channels that would achieve coverage areas comparable to their present service areas, otherwise maximize coverage in those communities or achieve maximum ATV coverage overall.

Third, it would also maximize coverage and efficiency of spectrum utilization for the allotment/assignment process to match ATV channels with existing NTSC channels, and not merely allot ATV channels to various communities. The principles set forth in Section II of this letter would, we believe, help achieve these goals.

We appreciate the fact that it will take time to implement these important refinements to the Commission's well-developed software. But that step plus using mileage assumptions based on the first sets of actual ATV test results will greatly improve the proposed table, sharply narrow the scope for unnecessary controversy and dispute, encourage private-party negotiations, and thereby expedite and facilitate the process of developing the table in the long run.

* * *

The Advisory Committee, in particular Planning Subcommittee/Working Party 3, is moving forward generally on the basis of the principles outlined here and may have developed a tentative table by the fall of 1992. Like the Commission, the Advisory Committee is seeking to develop computer software that will make it possible to fashion the best possible table of allotments/assignments, and it is expected that a first iteration of this more sophisticated software will be available in several weeks. The Commission's processes should be sequenced to take full advantage of the expert input provided by the Advisory Committee on these important issues.

II.

The following set of allotment/assignment principles should be used to prepare a table that will maximize ATV service. (Of course, the Commission should fashion ATV planning factors which, apart from facilities-based differences in coverage areas, seek to achieve VHF/UHF parity.) The ATV table should seek to

provide ATV coverage areas for every existing station¹ in a market comparable to the NTSC coverage provided by the station with the greatest coverage in that market, subject to assuring every station minimum ATV coverage that is at least comparable to its existing NTSC coverage. Specifically:

- (1) The allotment/assignment process should start by calculating the existing NTSC coverage of existing stations based on existing facilities (height and power) and existing sites² and taking interference into account, as defined by the Commission's Rules.³
- (2) Without causing new interference to existing NTSC service as defined by the Commission's Rules, existing NTSC stations would then be assigned ATV channels that would provide coverage areas no smaller than their current NTSC coverage areas.
- (3) Where possible (that is, without causing new interference to existing NTSC service, as defined by the Commission's Rules, or preventing other existing stations from achieving ATV coverage comparable to their existing NTSC coverage), existing stations with smaller NTSC coverage areas would be assigned ATV channels that could provide larger coverage areas up to the NTSC coverage area of the largest station in the

¹ As described in the Joint Comments, p. 12, n. 7, Dec. 20, 1991, by "existing stations" we mean existing licensees, permittees, applicants and vacant allotments to the extent consistent with the Joint Comments, pp. 8-10.

² We recognize that there should be flexibility for stations to change their transmitter sites for their ATV operations. In the vast majority of cases, we believe that the ATV allotments by the above-described process will be perfectly suitable for new transmitter sites. In some instances, however, a subsequent fine-tuning of the table of allotments/assignments may be necessary to accommodate new sites. There may be a few other situations in which other factors will have to be taken into account.

³ The Commission should use techniques to predict coverage and interference that are practical and effectively approximate current actual coverage and interference.

market.⁴

- (4) Where spectrum and interference considerations permit, ATV service areas should be allowed to expand up to the maximum NTSC noise-limited coverage. This should be accomplished by the Commission's establishing maximum power and height limitation for ATV facilities just as it does for NTSC facilities.
- (5) The Commission should pair proposed ATV channels with NTSC channels by seeking the best overall "match" between the NTSC coverage area of existing licensees and the coverage areas of the proposed ATV channels to be allotted to each market. The goal should be two-fold: (1) to provide ATV coverage comparable to a station's entire current coverage area and (2) to provide the best correspondence between the size and shape of each station's NTSC coverage area and the size and shape of the proposed ATV channel's coverage area.⁵

III.

We urge that in an April/May time frame the Commission should endorse (1) the above principles, (2) various positions set forth in the Notice of Proposed Rule Making and our Joint Comments, and (3) the positions identified in Attachment A. Alternatively, it could endorse some of these principles and put others out for further comment.

After the above considerations have been factored into the Commission's computer program and tentative ATV mileage separations have been developed on the basis of the available ATV test results the Commission should issue a second further notice of proposed rule making -- which we believe might be targeted for

⁴ Where there is a conflict between upgrading the ATV coverage area of an existing station in one market and upgrading the ATV coverage of an existing station in a nearby market, various factors may have to be taken into account on a case-by-case basis, but the general goal should be to maximize total ATV coverage.

⁵ In those situations where not all of a station's NTSC coverage area would be encompassed by any of the proposed ATV channels available for pairing, the best "match" would be determined by selecting the proposed ATV channel that provides maximum coverage of the station's NTSC coverage area.

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the November time frame -- endorsing any of the above principles not previously endorsed and setting forth a tentative table that reflects these principles. At that point, broadcasters in individual markets could collaborate to work out adjustments in the proposed table of allotments/assignments.

Then in mid- to late-1993 the Commission should adopt in the same report and order both an ATV standard and a final allotment/assignment table that would maximize ATV service based on the particular ATV system selected. The report and order should explicitly recognize the desirability of individual broadcasters engaging in negotiations with each other to adjust and fine-tune the table.

* * *

We believe that the process is working well. The Commission has pressed the industry on the hard issues that must be resolved in developing a table. Just as the ATV testing process has required the Test Center to invent complex techniques to probe the various competing ATV technologies, so has the need to construct a table that maximizes service and spectrum efficiency forced all of us involved in the process to design more sophisticated allotment/assignment tools. The results will, in fact, be more ATV service, greater spectrum efficiency and a more expedited and less litigated roll-out of the new service. We are most appreciative of the leadership role that the Commission's staff is playing in this difficult and important process.

Respectfully submitted,

ASSOCIATION FOR MAXIMUM
SERVICE TELEVISION, INC.


By: Margita E. White
Margita E. White
President

ASSOCIATION OF AMERICA'S
PUBLIC TELEVISION STATIONS

By: Marilyn Mohrman-Gillis
Marilyn Mohrman-Gillis
General Counsel

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ASSOCIATION OF INDEPENDENT
TELEVISION STATIONS, INC.⁶

By: 
James B. Hedlund
President

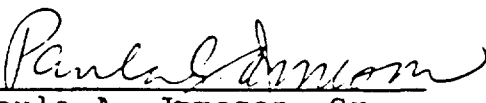
CAPITAL CITIES/ABC, INC.

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Samuel Antar
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NATIONAL ASSOCIATION OF
BROADCASTERS

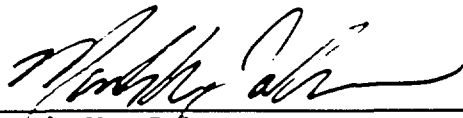
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PUBLIC BROADCASTING SERVICE


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Secretary

cc: Commissioner Andrew C. Barrett
Commissioner Ervin S. Duggan
Commission Sherrie P. Marshall
Commissioner James H. Quello

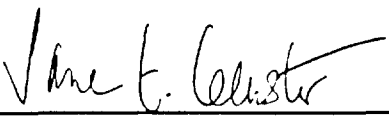
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Docket File No. 87-268

⁶ INTV generally supports the channel pairing approach expressed in this letter. It is our hope that this process will eliminate many of the disparities that currently exist between UHF and VHF stations. Absent specific data regarding the actual ATV system that is ultimately selected by the FCC, it is difficult to determine whether this goal will be achieved. Therefore, we reserve our rights regarding this process until more specific data become available.

ATTACHMENT A

- 1) The Commission should issue a list of all existing stations (as defined on page 3, n. 1 of this letter) that are eligible for an ATV channel and their respective NTSC transmitter locations.
- 2) Because of the vulnerability of cable equipment and VCRs to co-channel interference on Channels 3 and 4, the Commission should determine what level of protection, if any, is needed when assigning these channels in the same or nearby markets for ATV.
- 3) The Commission should establish guidelines or procedures for dealing with vacant allotments consistent with the policies set forth in the Joint Comments at pp. 8-10.
- 4) In order to provide the process of designing the ATV table with specific interference criteria and specific spectrum availability parameters, the Commission should promptly resolve issues concerning land mobile sharing of the UHF band (including those pending in Docket 85-172).